



What Teenagers Need to Know About Sex and the Law

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In North Dakota, a person can be charged with a serious crime if he or she engages in a sexual act or sexual contact with a minor and is at least four years older than the minor. The seriousness of the crime and the penalties are even greater if the minor is under 15 years of age.

Even if you have consensual sexual contact with someone under the age of 15 and you are at least four years older than the minor, you can be charged with gross sexual imposition in juvenile court. If your case then is transferred to adult court, you will be treated as an adult sex offender and will be subject to the same penalties as an adult.

The law does not make an exception just because you are in love.

- Did You Know:**
- A minor cannot legally “consent” to engage in sexual contact or perform a sexual act.
 - Having sex with someone who is too drunk to know what is happening to them is a Class A Felony, even if the person got drunk voluntarily.
 - Chat rooms are fun—but be careful—you don’t know who is really on the other end. It could be a 12 year old boy, an adult pretending to be a teen, or even a cop ready to arrest you for luring a minor by computer.
 - If you fool around with someone you know has been given a “date rape” drug, you can be in just as much trouble as the person who gave it to the unsuspecting victim.
 - If you slap or pinch someone’s breast or butt as a joke in school, it may not be a joke to that person. If the person you touch finds it offensive, the legal system won’t take it as a joke, either.
 - Even if your boyfriend or girlfriend wants to have sex with you, your friend’s parents can still have you arrested and charged with a crime if they find out.

Decisions you make about sex will affect the rest of your life. The wrong decision can have devastating consequences – for you, your partner, and your family:

If You Are Convicted: If you are convicted of a sex offense, even as a juvenile, you may be required to register as a sex offender. You will have to notify the police every time you move.

You may be required to submit a DNA sample, which will be placed in a law enforcement database for the rest of your life. You may be required to take an HIV test.

You may end up studying at home with a tutor instead of hanging out with your friends at school.

Along with the criminal charges you may face, there is always the risk of pregnancy or contracting a sexually transmitted disease, including HIV, even with protection.

How will you explain it to your grand-parents? Or to your next boyfriend or girlfriend?

Legal Terms You Should Know:

The Crimes

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| Sexual Act | Anal sex, oral sex, or intercourse. |
| Sexual Contact | Any touching, even through clothing, of sexual or other intimate body parts of a person, for the purpose of arousing or satisfying sexual or aggressive desires. |
| Gross Sexual Imposition | A person who engages in sexual acts or sexual contact with a minor under age 15 and who is at least four years older than the minor. |
| Corruption of Minors | An adult who engages in a sexual act with a 15-17 year old minor and who is at least four years older than the minor. |
| Sexual Assault | Fondling of a 15-17 year old who is at least four years younger than the offender, or sexual contact with a person whose ability to consent is impaired. |
| Luring Minors by Computer | Using a computer to talk about or arrange sexual encounters, sex acts or sexual contact with a minor. |
| Fornication | A minor engaging in a consensual sex act. |
| Indecent Exposure | Exposing yourself, or masturbating in public for the purpose of arousing another person or satisfying your own sexual desires. |
| Surreptitious Intrusion ("peeping") | Seeking to satisfy a sexual desire by window peeping, or intruding on another person's privacy in their home, hotel room, tanning booth, etc. Intruding on privacy includes things like recording, photographing, broadcasting and videotaping. |

The Penalties

If you are adjudicated (convicted) of a sexual offense as a juvenile, you can be removed from the custody of your parents and sent to a juvenile facility.

But, if you get transferred to adult court, these penalties apply:

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| Felony | If you are convicted of a felony, you may be sentenced to a term of imprisonment of up to life, be fined up to \$10,000, or both. A felony conviction will remain on your record forever, and has to be disclosed on most job applications. You will lose the right to carry a firearm and will not be able to hunt for 5-10 years. |
| Misdemeanor | If you are convicted of a misdemeanor offense, you may receive a sentence of up to one year, a fine of up to \$2,000, or both. |

This fact sheet is not intended to cover every situation. The Office of Attorney General is prohibited by law from providing legal advice. For legal advice or assistance please contact an attorney in private practice.